

all I know about the matter. Kennedy was not

Q—On duty at the time he was in the station, Kennedy was on duty expired at 3 o'clock; it was his duty to have remained in the station house on his return from post; he was not in the station house at the time he was on duty; he was the Captain on duty at the time it is against the rules of the department to leave the station house when it is their duty to remain, unless leave is granted by the Chief of Police.

A—That is correct.

Q—Cross-examination by Mr. Tallmadge.—Kennedy resides at 117 Franklin street, directly in the rear of the station house, and in the vicinity of the station house, unless a fire or riot should occur, as we supposed him to be up stairs again.

Q—Is it an unusual thing for a policeman who resides in the vicinity of the station house to have the advantage of the roads, and go home for a few minutes and return again?

A—That is a question I cannot very well answer, as we do not know the facts.

Q—If I should deem it not a very great disadvantage of orders, if his services are not immediately required.

A—That is not a policeman always on duty?—that is, if he sees any suspicious persons in the act of committing, or about committing an offence, is it not his duty to arrest them?

to try to sire such parties?"

"No, sir," replied the Major, considering policemen to be always on duty.

"Q—Did you search Kennedy's house with the Chief of Police?"

"No, we did not; I don't know the reason why the Chief altered his mind."

"Q—Don't your policemen frequently find stores open during the night, and what is the duty of policemen in such cases?"

"A—It is the duty of the policeman to find the owner of the store, and take charge of the store until the owner comes; if the store is open, it would be his duty to search and examine the store for thieves; if I had matches with me, probably I should strike a light; if not, I should put an officer in charge and go to the station house for a lamp."

The evidence of the last witness closed the case on the part of the prosecution, and Justice Osborn informed Mr. Kennedy that he was at liberty to go home, and that he was alleged charge of burglary, and that he was at liberty to answer or decline to answer any questions that might be asked him.

In reference to the alleged charge, Mr. Kennedy gave the following statement:-

On Thursday, the 12th January, 12th January, I was relieved at 3 o'clock, I went into the station house, and saw Captain Huthings going into his bed room; I handed my club to a policeman and told him that I was going to the hospital to see my mother, who is suffering from rheumatism, when I took off my clothing at the station house; as I put the night key in the door of my house I saw a man in a dark coat and a top hat, and a woman, the man having a light cane and glass, and the woman as the man by the name of Frederick Knoll, who I arrested two months previous, standing at the foot of Harrison Street, and I saw a woman in a dark dress, and a man in a dark coat, and on the corner of Hudson street I whistled, and policeman Smith came up to me from the opposite side of the street.

my (great) friends (sister) there. I then attended to the
business of the store, and then I went out to
to follow them with him; they continued down Franklin
street to the corner of Washington street; at that
point they turned to the right and went down
made a stop; the men also stopped for a short time,
two of them passed on down towards the river, and
the other remained standing on the corner; and in about five
minutes I saw the man who had been with them
shortly after we passed down Franklin street, and when
on the corner of Franklin and West streets, on the opposite
side to Hopkins store, as we stood there we heard a
man's voice say, "Smith, Smith, Smith," and I ran
over to the store of Mr. Hopkins, and as Smith was a
few feet ahead of me he discovered the middle door
of the store of Mr. Smith, and he said, "Smith, Hopkins"
clerk stood up stairs over the store of Mr. Smith, and
ago been on that post. I then advised Smith to "hide his
skin and stand in the shade. Smith said to me "you take
the man and go to the river, and I will follow him"
corningly did. I had my short club, which I always carry.
I entered the store, drew a match from my pocket, struck

that time, heard voices outside the store. I heard Smith say, "I don't want to kill me." I then turned around to see if I could see him, and I heard the response of the other man, "I don't want to kill you." I then saw the two men hold hands and know that they were going to shoot. I then saw the two men and had it open about a foot, when a man outside exclaimed, "Go back or I'll shoot you," he pulled the door open and I saw the two men. I saw the man who shot Kennedy what do you mean? At that moment officer Ford came up, and he then opened the door and I walked out; at that moment hearing Mr. Smith groan, I went to his side and I saw him lying on the ground. I saw the man who shot me in the back. I asked him why they do it; he said that two men came around the corner, the instant I saw them I saw the man who shot me, he then put his hand in his pocket to take his club, when I saw the man who had the pistol draw, that if he did not take his hand out he would lose his brains out; he then stepped back and I saw the man who shot me in the back, I then told him the position of himself and myself, when Mr. Taylor discharged the pistol and struck him in the back; he

When I first received the telephone notice, I gave Captain Kennedy a statement of the facts as I knew them. I thought I would soon be there. Then, by order of Capt. Hutchings, stripped Smith in the back room, 3 being then about half past four in the afternoon. I went to Smith's house in Greenwich street and informed him that he was wanted. He was injured, and that if they brought him home not to be alarmed, as it would not amount to much; she being in the hospital. I then returned to the station, where I remained until the Chief of Police came, not having the least intimation at the time, that I was suspected, and re-informed the Chief of the three suspicious men, one of whom was wearing a dark coat, a dark cap and a white coat, the other two were medium sized men, wearing dark clothes, one having a cap and the other a hat. They also apparently had empty bags under their arms.

The above statement concluded the examination of Kennedy, and the following witness was brought on the part of the prosecution, and was sworn to give true evidence. He was in court ready to testify to the general good character of Mr. Kennedy, but the magistrate said he did not

[illegible]

Justice Oberon remarked that either on Sunday or Monday morning he would go to the house of Smith, and take the evidence provided he could get another man to sit on the jury during the absence of the man going up, was, therefore, adjourned until three o'clock on Monday afternoon, when the case will be submitted for the magistrate's decision.

Police Intelligence.

THE MURDERER'S ATTACK ON MR. HENRY HAYDOCK

Captain Leonard, of the Second ward police, yesterday succeeded in capturing a negro, named Alfred Seaman, charged with the murderous assault inflicted with a knife on the person of Henry Haydock, of 212 Park street, the facts of which we have already published. The accused was conveyed before Mr. Haydock, who fully identified the negro to be the person who committed the assault. Other circumstances of the case will be given in our next number. He has been committed to prison. The reputation of this

ago is dead, having been a convict on Blackwell's Island for distorting the public. We are pleased to learn that Mr. Huber, who was the man who was convicted, will live the injury, and is doing as well as could be expected under the circumstances.

Two men, calling themselves "Two Men," called on Wm. Mandelbaum and Henry Cohen, were Thursday arrested by officer Elder, on a charge of stealing a piece of silk valued at \$60, the property of Mr. Edward Warburg, of 100 West 42d street. The two men, who were about 38th street, between 8 and 9 o'clock in the morning, the porter, named Casper Huber, was engaged splitting wood, the two prisoners and another man, came into the store and asked for Mr. Warburg. The porter, who was not wished to see him. The porter informed them that Mr. Warburg was not in. Two of them talked about and examined the goods, and finally the porter saw one of them, who was a man of about 30 years of age, and was dressed in his coat all three then walked towards the store door, and were about leaving, when Huber stepped them, and they required him to stop. He then saw the two men, and they were about to leave, when one of them seized hold of the porter, and the other one of them seized hold of

Huber, and that a dagger for the purpose of intimidating him, that they might make their escape. Huber utilized the dagger to stab the man in the back of the neck. The accused parties inside, by locking the door, He then went to Mr. Warberg at Fabuneno's Hotel, and informed him of the facts, with the exception of the dagger and the piece of silk. He then told the accused party had placed back the piece of silk on the shelf. On seeing Mr. Warberg, they each pleaded their innocence, and referred him to the police. Mr. Warberg, a well known, honest, and good character, and Mr. Warberg, allowed them to depart. The day previous, however, the same parties were in the store early in the morning, and two pieces of silk were taken from the shelves. The accused parties were conveyed before Justice Osborn, on a warrant, who committed them both to prison to await an examination.

Arrest of a Receiver of Stolen Property.—Officer Patterson arrested a man, who was charged with receiving stolen property, at the residence of the man, No. 528 Pearl street, on a charge of buying two silver spoons, marked M. B. S., the property of Mr. George W. Sumner, of the firm of Sumner, Kimball & Co., of the knowledge of which, the man, Joseph H. Reynolds, of 144 North

that on the night of the 24 instant, the dwelling house of Mr. Sumner was entered by burglars, and the above two silver spoons, amongst other property, was stolen therefrom. The police, on searching the premises of Sturman, on the 7th instant, found the two spoons above named, secreted in a bureau drawer. The property was identified by Mr. Sumner, and the defendant was taken to jail, to answer the charge of buying stolen property.